

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

KENT MALONE-BEY

PLAINTIFF

v.

CIVIL ACTION NO.: 3:25-cv-380-KHJ-MTP

LAUDERDALE COUNTY SCHOOL BOARD, *et al.*

DEFENDANTS

**ORDER STAYING DISCOVERY AND DISCLOSURE REQUIREMENTS
AND CANCELING CASE MANAGEMENT CONFERENCE**

Presently pending before the Court is Defendants' Motion for Judgment on the Pleadings [26], filed by Lauderdale County School Board, Dr. John-Mark Cain, Joshua Herrington, and Chad D. West. In the Motion [26], Defendants assert immunity and jurisdictional defenses. Defendants have also moved to stay the submission of confidential settlement memoranda, the case management conference, and all discovery and disclosure requirements pending a ruling on the Motion for Judgment on the Pleadings [26]. *See* Motion [28]. Plaintiff opposes the Motion to Stay [28], arguing that a stay pursuant to Rule 16(b)(3)(B) of the Local Uniform Civil Rules is not automatic and should not apply here because the "Defendants' immunity claims largely fail." *See* [30] at 5. Plaintiff further argues that discovery is necessary to resolve immunity issues, and a stay would cause him severe prejudice. *Id.* However, Rule 16(b)(3)(B) of the Local Uniform Civil Rules provides as follows:

Filing a motion to compel arbitration, or a motion asserting an immunity defense or jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.

L.U. Civ. R. 16(b)(3)(B). Likewise, pursuant to *Carswell v. Camp*, 54 F.4th 307 (5th Cir. 2022), the Fifth Circuit Court of Appeals has directed courts to decide qualified immunity motions which test the pleadings without discovery.

Considering Rule 16(b)(3)(B) and that judicial economy is best served by addressing the threshold issues raised in the Motion for Judgment on the Pleadings prior to discovery, the Court finds that the Motion [28] should be granted.

IT IS, THEREFORE, ORDERED that the Motion to Stay [28] is granted. All discovery and disclosure requirements are stayed pursuant to the Local Rules, and the case management conference set for September 8, 2025 is hereby cancelled.

IT IS FURTHER ORDERED that counsel for Defendants shall promptly notify the Magistrate Judge of a decision on the Motion for Judgment on the Pleadings [26] and shall submit a proposed order lifting the stay within seven (7) days of the ruling.

SO ORDERED this the 2nd day of September, 2025.

s/Michael T. Parker
UNITED STATES MAGISTRATE JUDGE